

Panaji, 16th August, 1985 (Savana 25, 1907)

SERIES I No. 20

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department

General Branch/Division

Notification

HD-G-34-3/73-Vol. II

In exercise of the powers conferred by sub-section (2) of section 46 read with sections 2 and 7 of the Police Act, 1861 (Central Act 5 of 1861), the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules further to amend the Goa, Daman and Diu Police Subordinate Service (Discipline and Appeal) Rules, 1975, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Police Subordinate Service (Discipline and Appeal) (Second Amendment) Rules, 1985.

(2) They shall come into force at once.

2. **Substitution of rule 2.**— For rule 2 of the Goa, Daman and Diu Police Subordinate Service (Discipline and Appeal) Rules, 1975 (hereinafter referred to as "the principal Rules"), the following rule shall be substituted, namely:—

"2. **Interpretation.**— In these rules, unless the context otherwise requires,—

(a) "Appointing authority" in relation to a member of the service means—

(i) the authority empowered to make appointment to the post which the Police Officer or Personnel for the time being holds; or

(ii) the authority which appointed the Police Personnel to such post prior to the commencement of the Rules; or

(iii) where the member of the service, having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that service or to any grade in that service or to that post, whichever authority is the highest authority;

(b) "Disciplinary authority" means the authority competent under these Rules to impose on

a member of the service any of the penalties specified in rule 3;

(c) "Member of the service" means a Police Officer or Personnel holding any of the posts specified in Column 2 of the Schedule and appointed thereto under the Police Act, 1861 (Central Act 5 of 1861);

(d) "Schedule" means the Schedule to these Rules;

(e) "Service" means a service called as the Goa, Daman and Diu Police Subordinate Service comprising of the posts specified in column 2 of the Schedule;

(f) "Superintendent of Police" means the Superintendent of Police, Goa, Daman and Diu or the Superintendent of Police (Training) or the Superintendent of Police (CID), as the case may be."

3. **Amendment of rule 3.**— In rule 3 of the principal Rules, in sub-rule (1), under the heading "Major Penalties", before clause (h), the following clause shall be inserted, namely:—

(gg) Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the member of service will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay."

4. **Amendment of rule 4.**— In rule 4 of the principal Rules,—

(a) in sub-rule (2), for the words "in the Schedule in this behalf", the words "in the Schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the Administrator" shall be substituted;

(b) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) Notwithstanding anything contained in this rule—

(a) except where any of the penalties specified in clauses (a) to (i) of sub-rule (1) of rule 3 is imposed by the competent disciplinary authority, no penalty specified in clauses (j) to (l), of that sub-rule shall be imposed by any authority subordinate to the appointing authority.

(b) a disciplinary authority competent under these rules to impose any of the penalties specified in clauses (a) to (j) of sub-rule (1) of rule 3 may institute disciplinary proceedings against any member of the service for the imposition of any of the penalties specified in clauses (gg) to (l) of that sub-rule notwithstanding that such disciplinary authority is not competent under these rules to impose any of the last mentioned three penalties."

5. Amendment of rule 6.—In rule 6 of the principal Rules, the existing sub-rules (20) and (21) shall be renumbered as sub-rules (21) and (22) respectively and before sub-rule (21) as so re-numbered, the following sub-rule shall be inserted, namely:—

"20 (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (a) to (i) of sub-rule (1) of rule 3, but not competent to impose any of the penalties specified in clauses (j) to (l) of that sub-rule, has itself enquired into the articles of any charge and that authority, having regard to its own findings or having regard to its own decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in the said clauses (j) to (l) of rule 3 should be imposed on the member of the service, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned three penalties.

(b) The disciplinary authority to which the records of the inquiry are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness himself and examine, cross-examine and re-examine the witness and may impose on the member of the service, such penalty as it may deem fit in accordance with these rules."

6. Amendment of rule 7.—In rule 7 of the principal Rules, for sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (gg) to (l) of sub-rule (1) of rule 3 should be imposed on the member of the service, it shall make an order imposing such penalty and it shall not be necessary to give the member of the service any opportunity of making representation on the penalty proposed to be imposed."

7. Amendment of rule 9.—In rule 9 of the principal Rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) Where two or more members of the service are concerned in any case, the Inspector General of Police or any other authority competent to impose the penalty of dismissal from service on all such members of the service may make an

order directing that disciplinary action against all of them may be taken in a common proceeding."

8. Amendment of rule 12.—In rule 12 of the principal Rules, in sub-rule (5), the existing clause (c) shall be re-numbered as clause (d) and before clause (d) so re-numbered, the following clause (c) shall be inserted, namely:—

"(c) The last place of posting of the suspended member of service shall be his headquarters for the period of suspension unless the authority competent to place him under suspension, for reasons to be recorded in the order of suspension, fixes a different headquarters."

9. Amendment of rule 13.—In rule 13 of the principal Rules, in clause (ii), for the words "any order of an interlocutory nature", the words "any order of an interlocutory nature or the nature" shall be substituted.

10. Amendment of rule 14.—In rule 14 of the principal Rules, in clause (ii), for the words "reviewing authority", the words "revising authority" shall be substituted.

11. Insertion of new rule 19A.—After rule 19 of the principal Rules, the following rules shall be inserted, namely:—

"19 A. Revision. — (1) Notwithstanding anything contained in these rules, —

- (i) the Administrator; or
- (ii) the Chief Secretary;
- (iii) the appellate authority,

within six months of the date of the order proposed to be revised; may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made under these rules from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed and may —

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as he or it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the member of the service concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (j) to (l) of sub-rule (1) of rule 3 or to enhance the penalty imposed by the order sought to be revised to any of the penalties

specified in these clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 6 and after giving a reasonable opportunity to the member of the service concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

(2) No proceeding for revision shall be commenced until after —

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules."

12. Substitution of Schedule.— For the Schedule, the following Schedule shall be substituted, namely:—

SCHEDULE

Sr. No.	Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose with reference to item number in rule 3	Penalties	Appellate Authority
1	2	3	4	5	6
1.	Inspector of Police (including Motor Transport and Wireless).	Inspector General of Police.	i) Inspector General of Police (gg) to (l) ii) Superintendent of Police.	(a) to (g)	Chief Secretary. Inspector General of Police.
2.	Sub-Inspector of Police (including Wireless).	— do —	i) Inspector General of Police (gg) to (l) ii) Superintendent of Police. iii) Assistant Superintendent of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(b) to (g) (a)	Chief Secretary. Inspector General of Police. Superintendent of Police in respect of penalty under clause (a).
3.	Asstt. Sub-Inspector (Wireless Operator).	Superintendent of Police	i) Superintendent of Police.	All	Inspector General of Police and where the order is that of the Inspector General of Police, the Chief Secretary.
			ii) Asstt. Supdt. of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(a)	Superintendent of Police in respect of penalty under clause (a).
4.	Assistant Sub-Inspector of Police (including Wireless).	— do —	i) Superintendent of Police.	All	Inspector General of Police and where the order is that of the Inspector General of Police, the Chief Secretary.
			ii) Asstt. Supdt. of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(a)	Superintendent of Police in respect of penalty under clause (a).
5.	Head Constables (including H. C. Radio Telephony Operators).	— do —	i) Superintendent of Police.	All	Inspector General of Police and where the order is that of the Inspector General of Police, the Chief Secretary.
			ii) Asstt. Supdt. of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(a)	Superintendent of Police in respect of penalty under clause (a).
6.	Drivers/Motor Cycle Riders.	— do —	i) Superintendent of Police.	All	Inspector General of Police and where the order is that of the Inspector General of Police, the Chief Secretary.
			ii) Asstt. Supdt. of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(a)	Superintendent of Police in respect of penalty under clause (a).
7.	Police Constables.	— do —	i) Superintendent of Police.	All	Inspector General of Police and where the order is that of the Inspector General of Police, the Chief Secretary.
			ii) Asstt. Supdt. of Police/Dy. Supdt. of Police/Sub-Div. Police Officer.	(a)	Superintendent of Police in respect of penalty under clause (a).

NOTE: (1) In cases of a member of the service appointed to such service, grade or post by the Deputy Secretary (Home) or the Additional Superintendent of Police, the Disciplinary authority for imposing the penalties specified in clauses (j), (k) and (l) of Rule 3 (1), shall be the Inspector General of Police and the Appellate Authority shall be the Chief Secretary.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Law Department
Legal Affairs Branch

Notification

LD/15/85-L. A. B.

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 30th day of July, 1985 and assented to by the Administrator of Goa, Daman and Diu on 1-8-1985 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 2nd August, 1985.

THE GOA, DAMAN AND DIU APPROPRIATION ACT, 1985

(Act No. 16 of 1985)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1985-86.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India, as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation Act, 1985.

2. **Issue of Rs. 1,95,70,79,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1985-86.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate [inclusive of the sums specified in column 5 of the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1985 (Bill No. 10 of 1985)] to the sum of one hundred ninety five crores seventy lakhs and seventy nine thousand rupees towards defraying the several charges which will arise for payment during the financial year 1985-86 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE
(See Sections 2 and 3)

No. of Demand	Services and purposes	Sums not exceeding			Total
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu		
1	2	3	4	5	
		Rs.	Rs.	Rs.	
1. Union Territory Legislature and Elections —					
Revenue ...		17,34,000	66,000	18,00,000	

	1	2	3	4	5
2. Miscellaneous General Services —					
Revenue ...			2,94,25,000	10,15,000	3,04,40,000
3. Administration of Justice —					
Revenue ...			43,90,000	10,000	44,00,000
4. Land Revenue, Stamps and Registration —					
Revenue ...			55,30,000	—	55,30,000
5. State Excise, Sales Tax and Other Taxes and Duties —					
Revenue ...			60,60,000	—	60,60,000
6. Taxes on Vehicles —					
Revenue ...			13,60,000	—	13,60,000
— Interest Payments —					
Revenue ...			—	15,47,45,000	15,47,45,000
7. Police and Fire Services —					
Revenue ...			4,42,40,000	—	4,42,40,000
8. Jails —					
Revenue ...			22,20,000	—	22,20,000
9. Stationery and Printing —					
Revenue ...			65,75,000	—	65,75,000
10. Other General and Economic Services —					
Revenue ...			99,15,000	—	99,15,000
11. Pension —					
Revenue ...			2,20,00,000	—	2,20,00,000
12. Public Works, Housing and Urban Development —					
Revenue ...			7,70,20,000	80,000	7,71,00,000
Capital (including Loans) ...			7,48,57,000	—	7,48,57,000
Total ...			15,18,77,000	80,000	15,19,57,000
13. Roads and Bridges					
Revenue ...			2,54,86,000	—	2,54,86,000
Capital ...			6,76,75,000	—	6,76,75,000
Total ...			9,31,61,000	—	9,31,61,000
14. Education, Art and Culture —					
Revenue ...			25,51,55,000	—	25,51,55,000
Capital (including Loans) ...			66,20,000	—	66,20,000
Total ...			26,17,75,000	—	26,17,75,000
15. Medical, Family Welfare and Public Health, Sanitation and Water Supply —					
Revenue ...			15,98,42,000	—	15,98,42,000
Capital ...			7,44,52,000	—	7,44,52,000
Total ...			23,42,94,000	—	23,42,94,000

1	2	3	4	5
		Rs.	Rs.	Rs.
16. Information and Publicity —				
Revenue ...		34,35,000	—	34,35,000
17. Labour and Employment —				
Revenue ...		1,51,65,000	—	1,51,65,000
18. Social Security and Welfare, Relief on account of Natural Calamities and Food —				
Revenue ...		1,73,86,000	—	1,73,86,000
Capital (including Loans) ...		13,12,52,000	—	13,12,52,000
Total ...		14,86,38,000	—	14,86,38,000
19. Cooperation and Community Development —				
Revenue ...		1,96,55,000	—	1,96,55,000
Capital (including Loans) ...		71,86,000	—	71,86,000
Total ...		2,68,41,000	—	2,68,41,000
20. Agriculture and Allied Services —				
Revenue ...		8,04,05,000	—	8,04,05,000
Capital (including Loans) ...		6,61,61,000	—	6,61,61,000
Total ...		14,65,66,000	—	14,65,66,000
21. Irrigation and Power Projects —				
Revenue ...		19,36,56,000	—	19,36,56,000
Capital ...		13,81,04,000	—	13,81,04,000
Total ...		33,17,60,000	—	33,17,60,000
22. Industries —				
Revenue ...		81,24,000	—	81,24,000
Capital (including Loans) ...		1,71,23,000	—	1,71,23,000
Total ...		2,52,47,000	—	2,52,47,000
23. Road and Water Transport Services (including Ports) —				
Revenue ...		2,08,15,000	—	2,08,15,000
Capital ...		1,78,60,000	—	1,78,60,000
Total ...		3,86,75,000	—	3,86,75,000
24. Tourism —				
Revenue ...		55,72,000	—	55,72,000
Capital (including Loans) ...		89,43,000	—	89,43,000
Total ...		1,45,15,000	—	1,45,15,000
— Public Debt —				
Capital (Public Debt) ...		—	16,77,65,000	16,77,65,000

1	2	3	4	5
		Rs.	Rs.	Rs.
25. Loans and Advances by the Union Territory Governments				
Capital (Loans and Advances) ...		80,00,000	—	80,00,000
GRAND TOTAL ...		1,63,33,98,000	32,86,81,000	1,95,70,79,000
Revenue ...		1,01,51,65,000	15,59,16,000	1,17,10,81,000
Capital (including Public Debt and Loans) ...		61,82,33,000	16,77,65,000	78,59,98,000

Secretariat,

Panaji-Goa,

Dated: 2nd August, 1985

(U. D. SHARMA)

Secretary to the Government
of Goa, Daman and Diu, Law
Department (Legal Affairs
Branch).

Establishment Branch

ORDER

3-3-85/Elec.

The following order No. 76/GOA/84(1 & 3-12) dated 8th July, 1985 issued by the Election Commission of India, New Delhi is hereby published for general information of all concerned.

U. D. Sharma, Additional Chief Electoral Officer.

Panaji, 30th July, 1985.

Election Commission of India

Ashok Road,

New Delhi, Dated 8 July, 1985

17 Sravana, 1907 (Sala)

No. 76/GOA/84(1&3-12)

ORDER

Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the House of the People/Legislative Assembly as specified in column (2) and held from the Constituency specified in column (3) against his name has failed to lodge an account of his election expenses at all as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates even after due notice have not given any reason or explanation for the failure and the Election Commission is satisfied that they have no good reason or justification for the said failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

TABLE

Sl. No.	Particulars of Election	S. No. & name of the constituency	Name & address of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the House of the People, 1984 (Goa, Daman & Diu)	1-Panaji	Smt. Rane Sardessai Sanyogita Jaiba, Sanquelim, Goa	Failed to lodge any account of election expenses required by law.
3.	General Election to the Goa, Daman and Diu Legislative Assembly, 1984	1-Pernem (SC)	Shri Harijan Bablo Dhondgo, Ozzi Deulwado, P. O. Pirna, Bardez	Failed to lodge any account of election expenses required by law.
4.	— do —	2-Mandrem	Shri Harmalkar Namdev Shankar, House No. 376, Harmalkarwada, Tuem, Pernem Goa	— do —
5.	— do —	5-Mapusa	Pandit Chandrakant Jairam, E/644, H. No. 967, Ansabhat, Mapusa, Goa	— do —
6.	— do —	6-Tivim	Shri D'Souza Jacinto Cajetano, St. Jeronimo Vaddo	— do —
7.	— do —	— do —	Shri Ferrao Agnelo Jerje, Penha de Frane, Manshabhat	— do —
8.	— do —	7-Bicholim	Shri Gadekar Kamalakant Krishna, H. No. 276, Gaokarwada, Mayem, Bicholim Goa	— do —
9.	— do —	— do —	Shri Raut Vaman Gopal, H. No. 192-1, Sakailawada, Salem, Goa	— do —
10.	— do —	— do —	Shri Tell Anant Ramchandra, Bhaili Peth, Bicholim Goa	— do —
11.	— do —	11-Santa-Cruz	Shri Braganza Joao Minuel, 237-New 86, St. Caetan Mareces, Goa.	— do —
12.	— do —	— do —	Shri Dalvi Uday Subray, C5-40-6, Adarsh Colony, Caranzuem.	— do —

By order,
DHARAM VIR
Secretary,
Election Commission of India.